

## ADVISORY OPINION 95-006

Any advisory opinion rendered by the registry under subsection (1) or (2) of this section may be relied upon only by the person or committee involved in the specific transaction or activity with respect to which the advisory opinion is required. KRS 121. 135(4).

April 6, 1995

Ms. Catherine D. Bell  
Republican Party of Kentucky  
Capitol Avenue at Third Street  
P.O. Box 1068  
Frankfort, Kentucky 40602

Dear Ms. Bell:

This is in response to your March 6, 1995, letter in which you request an advisory opinion regarding whether the following activities proposed by the Republican Party of Kentucky ("RPK") would constitute a contribution to its Republican gubernatorial slates. Since you are aware that the RPK may contribute \$500 to the slate and none of your questions propose a direct monetary contribution, the applicable statute is KRS 121A.010(11) which provides in pertinent parts:

"Contribution" means any:

1. Payment, distribution, loan, deposit, or gift of money or other thing of value, to a slate of candidates, its agent, a committee, or contributing organization...
3. Goods, advertising, or services with a value of more than one hundred dollars (\$100) in the aggregate in any one (1) election which are furnished to a slate of candidates,...without charge, or at a rate which is less than the rate normally charged for such goods and services, if the person furnishing the goods, advertising or services paid another person for their provision.
5. Expenditure in connection with any other activity undertaken independently of activities of a slate of candidates...made or furnished for the purpose of influencing the results of an election.

1. **Can the RPK mention its slate or nominees in general party correspondence and direct mail and telemarketing donor programs which are for RPK fundraising?**

Provided that general party correspondence and party memoranda are for party informational purposes and sent to individuals on the party's regular mailing list, not the candidates', no contribution would result. The RPK may mention its slate or nominees for scheduling an event for the party. However, if the event is primarily for the benefit of the gubernatorial slate, the advertising costs of over \$100 should be reported as a contribution to the slate.

If the RPK is fundraising for direct mail and telemarketing for the party, it should not make reference to the slate unless it includes other nominees of the party as well. Otherwise, the transaction could be construed as an advertisement or solicitation for the slate.

2. **Can the RPK have campaign material from the campaigns of the Republican candidates and/or slate for Governor and Lt. Governor displayed for the general public in the state headquarters?**

The display of materials, as long as the material is furnished by the campaigns, would not involve an expenditure by the party, and therefore, would not constitute a contribution.

3. **Can the RPK tell the general public that calls state headquarters for information, who the Republican candidates and/or nominees are for Governor and Lt. Governor, and give out the campaign address and telephone number?**

Yes, the RPK would not make an expenditure, assuming that the information is provided by a regular party staff person. As such, no contribution would result.

4. **Can the RPK headquarters have a sign in its front yard which lists the Republican slate and other statewide nominees?**

The display of a sign would not involve an expenditure by the party and a contribution to the slate if it is furnished by the slate of candidates, is provided by the party at a cost of \$100 or less, or lists all of its nominees.

5. **Can the RPK mention that they have a chance of electing a "Republican Governor" in the 1995 election year in its general party correspondence?**

The foregoing, if mailed to the regular party correspondence list, would appear to promote the party rather than the slate. Therefore, it would not constitute a contribution.

6. **Can the RPK include the Republican Governor and Lt. Governor nominees in slate mailings?**

We assume you are referring to party slate mailings in this question. To avoid being construed as an advertisement on behalf of the slate, rather than the party, the RPK should include all other Republican nominees for party slate mailings.

7. **Can the RPK include the Republican Governor and Lt. Governor nominees in GOTV (get-out-the-vote) programs, and if so, what is the minimum number of candidates that can be listed?**

Get-out-the-vote activities are beneficial to the electoral process by encouraging voting. However, programs which encourage persons to vote for specific candidates would be advertising, and thus, constitute a contribution to that candidate. Consequently, all of the Republican candidates must be include in GOTV programs.

8. **Can the RPK do generic GOTV programs?**

General GOTV programs such as "Vote Republican on November 7" for paid phone banks, mass mail, tv and radio, and vote haulers, would promote the party rather than individual candidates and would not be a contribution.

**9. Can the Republican Governor and/or Lt. Governor nominees write a column for "Kentucky Republican," the RPK newsletter?**

Publication of a column written by the nominees in "Kentucky Republican," a regularly published newsletter, which expresses the views of the candidate would not constitute an advertisement by the RPK, and therefore, is not a contribution to that candidate.

**10. Can the RPK county chairperson and/or county committee promote by newspaper advertising, newsletter, radio, invitations, the Republican Governor and Lt. Governor nominee's visit to the county in conjunction with county fall festivals where county parties might have rallies or breakfasts before parades?**

The paid advertisement of the nominee's visit to a county event by a county chairperson or committee would constitute a contribution to that candidate. The county chairperson would most likely coordinate the candidate's appearance at the event with the campaign prior to making the expenditure for the advertisement. Therefore, it would be difficult for the county organization to make an independent expenditure.

**11. Can agents of the RPK (state chairman, treasurer, and deputy treasurer) contribute as individuals to the Republican Governor and/or Lt. Governor nominees?**

The above designated individuals may contribute up to \$500 as natural persons pursuant to KRS 121A.050.

**12. It is our understanding that the Republican Party of Kentucky can contribute \$500 directly (includes in-kind contributions) to the Republican Governor and/or Lt. Governor nominees. What is the limit for the:**

- a. Republican National Committee
- b. Republican Governor's Association
- c. Kentucky Republican County Committees
- d. Kentucky Federation of Republican Women's Clubs
- e. Kentucky Federation of Republican Men's Clubs
- f. Kentucky Federation of Young Republican Clubs
- g. Kentucky Federation of College Republican Clubs

We are unable to respond to your question on behalf of other entities or organizations. 32 KAR 2:060 prohibits the Registry from issuing advisory opinions regarding the activities of third parties. If these groups have a question about their status, such as PAC, contributing organization, or party committee, they should make the request and provide specific facts pertaining to their activities.

**13. Can the RPK pay for the General Election (November 7, 1995) night party for all of its statewide nominees?**

Provided the RPK event includes all Republican candidates for statewide office from the general election, the party will not be making a contribution or an expenditure. The post-election party, including all Republican nominees for statewide office, is a party event rather than a contribution to a particular Republican candidate or select candidates.

Sincerely,

Rosemary F. Center  
General Counsel

RFC/db